

SUMMARY

City of Carrollton Mayor and Council Meeting

July 7, 2014

6:00 p.m.

**Public Safety Complex, Court/Council Chambers, 115 West Center Street,
Carrollton, Georgia**

I. CALL TO ORDER

The Mayor and Council met in regular session on Monday, July 7, 2014 in the Public Safety Annex Building, 115 West Center Street, Carrollton, Georgia. Mayor Garner called the meeting to order at 6:00 p.m. Members present: Mayor Wayne Garner, Councilmember Gerald Byrd, Councilmember Mandy Maierhofer, Councilmember Mike Patterson, and Councilmember Jim Watters.

II. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Garner.

III. INVOCATION

The invocation was offered by Ms. Annie Boykin.

IV. MINUTES (June 2, 2014)

Motion by Councilmember Maierhofer, seconded by Councilmember Patterson to approve the minutes of the June 2, 2014 meeting. (Motion passed 5-0).

V. CITIZEN COMMENTS

(Please state your name and address for the record and limit comments to three minutes.)

Pastor Walter Kite inquired about vacant lots and expressed concerns about high grass and mosquitoes due to the grass holding water. Mayor Garner requested that Pastor Kite send him the address of the properties.

Pastor Kite also inquired as to whether there were any gangs in Carrollton. Police Chief Richards advised that there are gangs in Carrollton and suggested that Pastor Kite stop by his office to discuss the matter further.

Ms. Annie Boykin complained about firecrackers falling on her house during the 4th of July and requested that the Police Department monitor her neighborhood during that time each year.

Ms. Erica Brown, a resident of Bristol Lakes Subdivision, requested regular police patrol for the neighborhood in order to make Bristol Lakes a safer place to live. Ms. Brown also expressed concern with a lot in the back area of the subdivision and complained that residents often parked in the grass (yards) instead of the parking lot for fear of theft. City Manager Coleman responded and advised that there is already regular police patrol in the area and that the Codes Enforcement is also in the subdivision on a regular basis and the City is doing all that they can. Mayor Garner suggested to Ms. Brown the formation of a Property Owners Association (P.O.A.). Ms. Brown advised that she would look into it.

VI. ITEMS OF DISCUSSION

- 1. Proclamation: 2014 Georgia Special Olympics Male Athlete of the Year (Eric Estes)**

A proclamation was read by Mayor Garner honoring Mr. Eric Estes, 2014 Georgia Special Olympics Male Athlete of the Year.

2. Resolution 07-2014: Taxi Cab Service Ordinance

City Manager Coleman presented to the Mayor and Council for their consideration, Resolution 07-2014: Taxi Cab Service Ordinance. City Manager Coleman advised that if approved the resolution will create an ordinance that will establish requirements and guidelines for operating a taxi cab service inside the city limits of Carrollton.

City Manager Coleman advised that over the past several months, he and Police Chief Richards have fielded several complaints regarding various taxi cab services operating within the City. City Manager Coleman stated that they have found that while some taxi cabs are in compliance with state laws, several are not; and they are operating without proper licenses, insurance, and are taking advantage of patrons. City Manager Coleman also advised that some taxi cabs are coming into town on the weekends from other areas and are operating in an unethical manner.

City Manager Coleman stated that while we want to encourage taxi cab services to operate in our City, we feel that some control must be established. In addition, City Manager Coleman advised that most of the local taxi services already follow the requirements of this ordinance and we do not believe that it will hinder these legitimate businesses.

Motion by Councilmember Byrd, seconded by Councilmember Patterson to approve Resolution 07-2014: Taxi Cab Service Ordinance. (Motion passed 5-0).

3. Resolution 10-2014: Ordinance Amendment - Disorderly Houses

City Manager Coleman presented to the Mayor and Council for their consideration Resolution 10-2014, Chapter 66 ("Offenses and Miscellaneous Provisions"), Section 66-7 ("Disorderly Conduct") of the City's Code of Ordinances.

City Manager Coleman advised that he and Police Chief Richards have been receiving increasing numbers of complaints with respect to what are commonly referred to as "disorderly houses" within the city. These type houses are known as ill-governed and disorderly houses in which gaming, drinking, or other misbehavior is encouraged to the disturbance of the surrounding neighborhood or to orderly citizens.

City Manager Coleman stated that Police Chief Richards has recommended, and he agrees, that the keeping and maintaining of such "disorderly houses" be punishable in the same way as "disorderly conduct" under the City's Code of Ordinances. City Manager Coleman advised that approval of Resolution 10-2014 will amend Chapter 66 ("Offenses and Miscellaneous Provisions"), Section 66-7 ("Disorderly Conduct") of the City's Code of Ordinances.

Motion by Councilmember Maierhofer, seconded by Councilmember Patterson to approve Resolution 10-2014: Ordinance Amendment – Chapter 66 ("Offenses and Miscellaneous Provisions"), Section 66-7 (Disorderly Conduct). (Motion passed 5-0).

4. Property Update - 342 Maple Street (City Attorney Chuck Conerly)

City Attorney Chuck Conerly updated the Mayor and Council on the property located at 342 Maple Street, and whether or not restrictive covenants are applicable to the property and if the City has ability to enforce them. Mr. Conerly stated that at the June 2, 2014 meeting of the Mayor and Council, he was requested to confer with the Maple Street resident's attorney, David Mecklin, and try to reach a common resolve to the matter. Mr. Conerly advised that he had spoken with Mr. Mecklin, reviewed letters and other supporting documents, but still maintains that this is essentially a private matter involving two adjacent property owners.

Mr. Conerly briefly summarized the issue as follows: The property located at 342 Maple Street is not a part of any Historic District. The proposed pizza restaurant at 342 Maple Street is allowed under the current zoning of the property. The plans, specifications, and development of the building meet the City

Codes. Mr. Conerly stated that in regard to all of those City regulations/requirements, the development of the pizza restaurant meets all of those requirements and building permits were issued accordingly.

Mr. Conerly stated that he felt the residents along Maple Street don't dispute the City's required regulations, but are asking the City to enforce a set of private restrictive covenants that they believe limit the properties use. Mr. Conerly stated that the City does not enforce private restrictive covenants and that private covenants are a matter of contract between two private property owners.

Mr. Conerly stated that in regard to the covenants themselves; there is nothing in the covenants that would restrict or prohibit a pizza restaurant on the property. Mr. Conerly stated that while the City does not enforce private restrictive covenants, the remedy can be started by an adjacent property owner taking it to court. If it is found that the property is violating private restrictive covenants, they can go in to the court and seek an injunction to stop development on the property. Mr. Conerly added that this type of action is something the City does not do. Mayor Garner stated that the City must take the advice of Mr. Conerly.

Mr. David Mecklin, representing the Maple Street property owners, stated he did not disagree with all of Mr. Conerly's remarks, but he wanted to make everyone aware of some important points. Mr. Mecklin stated that the Mayor and Council do have more power and rights in this respect. Mr. Mecklin stated at one time the property was in the Historic District and was removed in 1995 by then owner Mike Horton. The property was removed when Mr. Horton made promises to the City that the property would comply with the Historic District's private restrictive covenants. Mr. Mecklin stated that the property development as it is today complies with most of those restrictive covenants with the exception of the front setback. Mr. Mecklin stated that this restriction was in the restrictive covenants imposed by the City of Carrollton in 1995 as a condition of taking the property out of the Historic District. Mr. Mecklin stated he feels the Mayor and Council have the power to enforce the restrictive covenants they created.

Mr. James Uglum, 338 Maple Street, stated he was disappointed that the City did not take earlier action to stop development of the building on 342 Maple Street. Mr. Uglum stated that the City does have the power to enforce the agreement (covenants). Mr. Uglum expressed concerns over loss of his property values and stated the error began here (referring to the Mayor and Council Chambers) and it should be solved here (referring to the Mayor and Council Chambers). Mr. Uglum stated he was proud of the way our City was run with this matter being the exception.

5. Proposed Road Closure – North White Street

Dr. Steve Davis, Pastor of the First Baptist Church of Carrollton, expressed concerns for the safety of children crossing North White Street, going to and from the church, as well as to the activities building. Pastor Davis stated that there has been an increase in traffic on the street and he has witnessed three near accidents at the location. Pastor Davis advised that he has met with the deacons of the church and they are proposing that North White Street be closed to through traffic in order to insure the safety of children/pedestrians attending church events, etc. In addition, Mr. David Brooks, Deacon Chairman of First Baptist Church, and another church member, spoke to the Mayor and Council regarding the safety of the children and their desire to have the road closed.

Councilmember Jim Watters advised that he understood the situation, but felt that the City cannot begin closing all downtown roads. Mayor Garner advised that he and City Staff would look into the matter during the next month.

6. Adoption of Proposed FY 2014-2015 Operating Budget

City Manager Coleman reported that at the June 2, 2014 Mayor and Council meeting, a public hearing was held on the proposed FY 2014-2015 Operating Budget. In addition, City Manager Coleman stated that the next and final step in the budget process calls for adoption of the proposed operating Budget for FY 2014-2015. **Motion by Councilmember Maierhofer, seconded by Councilmember Byrd to adopt the FY 2014-2015 Operating Budget as presented. (Motion passed 5-0).**

7. Adoption of 2014 Millage Rate

City Manager Coleman presented for adoption the proposed 2014 Millage Rate of 4.66 mills. City Manager Coleman noted that the levy history was published June 20, 2014 in the Times Georgian as required by law. In addition, City Manager Coleman advised that the recommended millage rate represents a .03 decrease from the 2013 millage rate of 4.69 mills and is a result of the rollback calculation from property value reassessments during the past year. **Motion by Councilmember Byrd, seconded by Councilmember Maierhofer to approve the 2014 Millage Rate of 4.66 mills. (Motion passed 5-0).**

8. Special Equipment Purchase – Special Response Vehicle

City Manager Coleman advised the Mayor and Council that he has been in discussions with the Police and Fire Departments regarding their need for a “special response vehicle”. City Manager Coleman stated that if the purchase is approved by the Mayor and Council, the vehicle will be utilized by both the police and fire departments during many of their high risk operations. City Manager Coleman advised that the Police and Fire Department have been busy forming and training our **SRT** (Special Response Team) that consists of highly trained police and fire department personnel in order to effectively respond to situations that are potentially catastrophic and do not occur on a routine basis. The group will respond to many situations, such as, an active shooter, serving high risk warrants, extended operations such as missing persons, and other operations in which they may be on the scene for many hours or occasionally, even days.

In addition, City Manager Coleman advised that this specialty vehicle can transport a dozen or so SRT members, allowing them to arrive together and in a timely manner, with their equipment, instead of responding to the scene in several vehicles. This will allow them to assemble more personnel more quickly and effectively, ultimately securing the scene and making it safer for everyone involved. It will also provide them with effective communications equipment, computers, Wi-Fi, dry erase board, storage, etc. It will also provide electricity at the scene and will allow personnel to get out of the weather (on extended operations) when it is severe.

City Manager Coleman stated that the SRT vehicle has been needed for long time, but he has been hesitant to request it due to the cost. City Manager Coleman went on to say that over the years, the cost for the unit has come down considerably and it is finally affordable.

City Manager Coleman advised that the following quotes were received on the vehicle:

- 1) LDV, Inc.\$93,219.00
- 2) Farber Specialty Vehicles.....\$130,455.00
- 3) The Armored Group, LLC. \$109,500.00

and it is his recommendation that the unit be purchased from the lowest bidder, LDV, Inc. for \$93,219.00. City Manager Coleman stated that purchase is eligible for funding from SPLOST proceeds.

Motion by Councilmember Patterson, seconded by Mayor Garner to approve the purchase of a Special Response Vehicle from the low bidder, LDV, Inc., at a price of \$93,219.00. Motion passed (5-0).

9. Application for Edward Byrne Memorial JAG Program Grant

City Manager Coleman announced that the City is in the process of applying for an Edward Byrne Memorial JAG Program Grant. City Manager Coleman advised that the purpose of the grant is to purchase an additional license plate reader which will increase officer safety and productivity by alerting officers of suspect license plates and vehicles. City Manager Coleman stated that the estimated cost of a mobile license plate reader system is \$20,660 and with an approved 2014 JAG grant of \$18,152, the City's matching share will be a projected \$2,508.00 for this important project.

Motion by Mayor Garner, seconded by Councilmember Maierhofer to move forward with the application for the Edward Byrne Memorial JAG Program Grant. Motion passed (5-0).

VII. MAYOR AND COUNCIL ANNOUNCEMENTS

Councilmember Patterson advised that he, Councilmember Watters, and Councilmember Byrd recently attended the Georgia Municipal Association Convention in Savannah. Councilmember Patterson stated that the convention was very informative and he advised that he appreciates the City's support of the program.

Councilmember Byrd advised that he was very thankful for the perfect weather during the July 4th parade.

In addition, Councilmember Byrd stated that it is his desire that an overall plan be developed to address abandoned lots in the city.

Mayor Garner advised that he and Councilmember Watters recently attended a meeting in Washington with Carroll County Chairman Marty Smith and the local legislative delegation to meet with the Census Bureau and protest Carrollton begin brought in to the Atlanta Regional Commission. Mayor Garner stated he had heard good news from the Governor regarding the matter in that he would not approve Carrollton being placed in the Atlanta Regional Commission.

VIII. CITY MANAGER ANNOUNCEMENTS

There were none.

IX. ADJOURN

There being no further business to discuss, the meeting was adjourned at 6:53 p.m.

The Agenda for Mayor and Council Meetings is available for review in the City Manager's Office, 315 Bradley Street, Carrollton, Georgia and the City's website, www.carrollton-ga.gov after 4:00 p.m. on the Friday prior to Council Meeting. The City complies with the Americans with Disabilities Act (ADA). If you will need special assistance at this meeting, the City will try to accommodate you in every reasonable manner. Please call (770) 830-2000 from 8:30 a.m. to 5:00 p.m. Monday through Friday at least 48 hours prior to the meeting. A summary of Agenda items acted upon is available within 48 hours of the meeting at the address and website listed above. Minutes to any previous meeting (once adopted) are available upon request or available at the website listed above.